

AMENDED IN SENATE MAY 30, 2000

AMENDED IN SENATE MARCH 1, 2000

AMENDED IN SENATE JANUARY 26, 2000

AMENDED IN SENATE SEPTEMBER 10, 1999

AMENDED IN ASSEMBLY MAY 6, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1303

Introduced by Assembly Members Florez and Runner

February 26, 1999

An act to amend Section 2105 of the Streets and Highways Code, relating to highways, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1303, as amended, Florez. Highways: local projects: funding.

(1) Existing law requires at least 90% of the balance deposited to the credit of the Highway Users Tax Account in the Transportation Tax Fund by the 28th day of each month to be apportioned by the Controller to the cities, counties, and cities and counties in accordance with certain statutory formulas.

This bill would revise one of the apportionment formulas specified above.

~~The bill would require that the sum of \$500,000,000 be transferred by the Controller on an annual basis from the~~

~~General Fund to the State Highway Account in the State Transportation Fund for appropriation to the Department of Transportation for programming and expenditure for transportation capital improvement projects, as specified.~~

(2) The Sales and Use Tax Law imposes, among other things, a tax at a rate of 4 3/4% upon the gross receipts from the retail sale in this state of, and the storage, use, or other consumption in this state of, tangible personal property.

Existing law requires that all revenues, less refunds, derived under that law at the 4 3/4% rate from the sale, storage, use, or other consumption in this state of motor vehicle fuel, as defined, or fuel, as defined, be transferred to certain accounts and funds in accordance with specified formulas, with the balance to be transferred to the General Fund.

This bill would require the Controller, from funds in the General Fund that are attributable to revenue collected for the sale, storage, use, or other consumption in this state of motor vehicle fuel, as defined, to transfer the sum of \$375,000,000 to the State Highway Account in the State Transportation Fund for programming and expenditure for transportation capital improvement projects, as specified, the sum of \$62,500,000 to the counties, including a city and county, apportioned as specified, and the sum of \$62,500,000 to cities, including a city and county, apportioned as specified. The bill thereby would make an appropriation.

The bill would require the Controller to deposit funds transferred to cities, counties, and cities and counties, as described in (1) above and under these provisions, in certain accounts in order to avoid the commingling of those funds with other local funds.

The bill would require those transferred funds to be used only for street and road maintenance, rehabilitation, and reconstruction, and for street and road storm damage repair, as defined.

(3) Under existing law, the Department of Transportation and the California Transportation Commission, in consultation with local and regional transportation planning entities, are required to develop a state transportation improvement program to serve as a resource document to assist state and local transportation entities in the planning

and implementation of transportation improvements and in the utilization of available resources in a cost-effective manner.

This bill would require the department to allocate not more than \$300,000 from funds appropriated for its operation to establishment of a new division within the department with responsibility for collecting and accessing data on local road and highway conditions and integrating that data into state transportation plans. The bill would require the division to act in an advisory capacity to the Director of Transportation.

Vote: ~~majority~~ ^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2105 of the Streets and
2 Highways Code is amended to read:
3 2105. In addition to the apportionments prescribed by
4 Sections 2104, 2106, and 2107, from the revenues derived
5 from a per gallon tax imposed pursuant to Section 7351 of
6 the Revenue and Taxation Code, and a per gallon tax
7 imposed pursuant to Section 8651 of the Revenue and
8 Taxation Code, and a per gallon tax imposed pursuant to
9 Sections 60050 and 60115 of the Revenue and Taxation
10 Code, the following apportionments shall be made:
11 (a) A sum equal to the net revenue from a tax of 11.5
12 percent of any per gallon tax in excess of nine cents
13 (\$0.09) per gallon under Section 7351 of the Revenue and
14 Taxation Code, 11.5 percent of any per gallon tax in excess
15 of nine cents (\$0.09) per gallon under Section 8651 of the
16 Revenue and Taxation Code, and 11.5 percent of any per
17 gallon tax in excess of nine cents (\$0.09) per gallon under
18 Sections 60050 and 60115 of the Revenue and Taxation
19 Code, shall be apportioned among the counties, including
20 a city and county.
21 The amount of apportionment to each county,
22 including a city and county, during a fiscal year shall be
23 calculated as follows:
24 (1) One million dollars (\$1,000,000) for
25 apportionment to all counties, including a city and

1 county, in proportion to each county's receipts during the
2 prior fiscal year under Sections 2104 and 2106.

3 (2) One million dollars (\$1,000,000) for
4 apportionment to all counties, including a city and
5 county, as follows:

6 (A) Seventy-five percent in the proportion that the
7 number of fee-paid and exempt vehicles which are
8 registered in the county bears to the number of fee-paid
9 and exempt vehicles registered in the state.

10 (B) Twenty-five percent in the proportion that the
11 number of miles of maintained county roads in the county
12 bears to the miles of maintained county roads in the state.

13 (3) For each county, determine its factor which is the
14 higher amount calculated pursuant to paragraph (1) or
15 (2) divided by the sum of the higher amounts for all of the
16 counties.

17 (4) The amount to be apportioned to each county is
18 equal to its factor multiplied by the amount available for
19 apportionment.

20 (b) A sum equal to the net revenue from a tax of 13.5
21 percent of any per gallon tax in excess of nine cents
22 (\$0.09) per gallon under Section 7351 of the Revenue and
23 Taxation Code, 13.5 percent of any per gallon tax in excess
24 of nine cents (\$0.09) per gallon under Section 8651 of the
25 Revenue and Taxation Code, and 13.5 percent of any per
26 gallon tax in excess of nine cents (\$0.09) per gallon under
27 Sections 60050 and 60115 of the Revenue and Taxation
28 Code, shall be apportioned among the counties, including
29 a city and county, as follows:

30 (1) Seventy-five percent in the proportion that the
31 number of fee-paid and exempt vehicles that are
32 registered in the county bears to the number of fee-paid
33 and exempt vehicles registered in the state.

34 (B) Twenty-five percent in the proportion that the
35 number of miles of maintained county roads in the county
36 bears to the miles of maintained county roads in the state.

37 (c) A sum equal to the net revenue from a tax of 25
38 percent of any per gallon tax in excess of nine cents
39 (\$0.09) per gallon under Section 7351 of the Revenue and
40 Taxation Code, 25 percent of any per gallon tax in excess

1 of nine cents (\$0.09) per gallon under Section 8651 of the
2 Revenue and Taxation Code, and 25 percent of any per
3 gallon tax in excess of nine cents (\$0.09) per gallon under
4 Sections 60050 and 60115 of the Revenue and Taxation
5 Code, shall be apportioned to cities, including a city and
6 county, in the proportion that the total population of the
7 city bears to the total population of all the cities in the
8 state.

9 SEC. 2. *From funds in the General Fund that are*
10 *attributable to revenue collected for the sale, storage, use,*
11 *or other consumption in this state of motor vehicle fuel,*
12 *as defined in Section 7304 of the Revenue and Taxation*
13 *Code, the Controller shall transfer five hundred million*
14 *dollars (\$500,000,000) as follows:*

15 (a) *The sum of three hundred seventy-five million*
16 *dollars (\$375,000,000) to the State Highway Account in*
17 *the State Transportation Fund for programming and*
18 *expenditure for transportation capital improvement*
19 *projects, as described in Section 164 of the Streets and*
20 *Highways Code.*

21 (b) *The sum of sixty-two million five hundred*
22 *thousand dollars (\$62,500,000) to the counties, including*
23 *a city and county, apportioned as follows:*

24 (1) *Seventy-five percent in the proportion that the*
25 *number of fee-paid and exempt vehicles that are*
26 *registered in the county bears to the number of fee-paid*
27 *and exempt vehicles registered in the state.*

28 (2) *Twenty-five percent in the proportion that the*
29 *number of miles of maintained county roads in the county*
30 *bears to the miles of maintained county roads in the state.*

31 (c) *The sum of sixty-two million five hundred*
32 *thousand dollars (\$62,500,000) to cities, including a city*
33 *and county, apportioned in the proportion that the total*
34 *population of the city bears to the total population of all*
35 *the cities in the state.*

36 SEC. 3. *The Controller shall deposit funds transferred*
37 *under Section 1 or subdivision (b) or (c) of Section 2 in*
38 *the following accounts in order to avoid the commingling*
39 *of those funds with other local funds:*

1 (a) In the case of a city, in a city account designated for
2 the receipt of state funds for transportation purposes.

3 (b) In the case of a county, in the county road fund.

4 (c) In the case of a city and county, in a local account
5 designated for the receipt of state funds for
6 transportation purposes.

7 SEC. 4. Funds allocated to a city, county, or city and
8 county under Section 1 or 2 shall be used only for street
9 and road maintenance, rehabilitation, and
10 reconstruction, and for street and road storm damage
11 repair. For purposes of this section, the following terms
12 have the following meanings:

13 (a) "Maintenance" is either or both of the following:

14 (1) Patching.

15 (2) Overlay and sealing.

16 (b) "Reconstruction" includes any widening of the
17 roadway that is necessary to bring the roadway width to
18 the desirable minimum width consistent with the
19 geometric design criteria of the department for
20 nonfreeway 3R (reconstruction, resurfacing, and
21 rehabilitation) projects, but does not include widening of
22 the roadway for the purpose of increasing traffic capacity.

23 (c) "Storm damage repair" is repair or reconstruction
24 of local streets and highways and related drainage
25 improvements that have been damaged due to winter
26 storms and flooding, and construction of drainage
27 improvements to mitigate future roadway flooding and
28 damage problems, in those jurisdictions that have been
29 declared disaster areas by the President of the United
30 States.

31 SEC. 5. The Department of Transportation shall
32 allocate not more than three hundred thousand dollars
33 (\$300,000) from funds appropriated for its operation to
34 establishment of a new division within the department
35 with responsibility for collecting and accessing data on
36 local road and highway conditions and integrating that
37 data into state transportation plans. The division shall act
38 in an advisory capacity to the Director of Transportation.

39 ~~SEC. 3. The sum of five hundred million dollars~~
40 ~~(\$500,000,000) shall be transferred by the Controller on~~

1 ~~an annual basis from the General Fund to the State~~
2 ~~Highway Account in the State Transportation Fund for~~
3 ~~appropriation to the Department of Transportation for~~
4 ~~programming and expenditure for transportation capital~~
5 ~~improvement projects as required under Section 164 of~~
6 ~~the Streets and Highways Code.~~

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